



09916849 . 062102 # 4

**DECLARATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**BASAL MARKERS IN BREAST CANCER AND RELATED REAGENTS AND METHODS OF USE THEREOF**

the specification of which (I authorize Choate, Hall & Stewart to check one of the following three choices, and fill in the blanks, if applicable):

\_\_\_\_\_ is attached hereto

X was filed on July 26, 2001 as Application Serial No. 09/916,849  
and amended on \_\_\_\_\_ (if applicable).

\_\_\_\_\_ was filed as PCT international application No. \_\_\_\_\_,  
on \_\_\_\_\_ and was amended under PCT Article 19  
on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledged the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

NUMBER	COUNTRY	DAY/MONTH/YEAR/FILED	PRIORITY CLAIMED	
			YES	NO

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NUMBER	FILING DATE	STATUS

PCT Applications designating the United States:

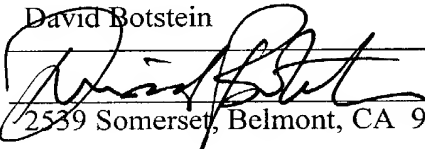
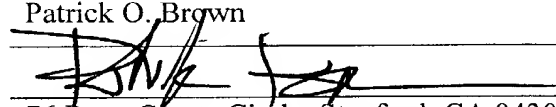
PCT APPLICATION NUMBER	U.S.S.N.	STATUS

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national filing date of this application.

Provisional Application(s):

APPLICATION NUMBER	FILING DATE	STATUS
60/220,967	July 26, 2000	abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name of first inventor	David Botstein
Inventor's Signature	
Residence	2539 Somerset, Belmont, CA 94002-2925
Citizenship	US
Post Office Address	Same
Full name of second inventor	Patrick O. Brown
Inventor's Signature	
Residence	76 Peter Coutts Circle, Stanford, CA 94305
Citizenship	US
Post Office Address	Same
Full name of third inventor	Charles M. Perou
Inventor's Signature	
Residence	103 Oak Spring Court, Carrboro, NC 27510
Citizenship	
Post Office Address	Same
Full name of fourth inventor	Brian Ring
Inventor's Signature	
Residence	
Citizenship	
Post Office Address	Same

Full name of fifth inventor	Douglas Ross
Inventor's Signature	
Residence	41A Carl Street, San Francisco, CA 94117
Citizenship	US
Post Office Address	Same
Full name of sixth inventor	Rob Seitz
Inventor's Signature	
Residence	
Citizenship	
Post Office Address	Same
Full name of seventh inventor	Matt van de Rijn
Inventor's Signature	
Residence	
Citizenship	
Post Office Address	Same

3353880\_1 DOC



09916849 .062102

**DECLARATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**BASAL MARKERS IN BREAST CANCER AND RELATED REAGENTS AND METHODS OF USE THEREOF**

the specification of which (I authorize Choate, Hall & Stewart to check one of the following three choices, and fill in the blanks, if applicable):

\_\_\_\_\_ is attached hereto

  X   was filed on July 26, 2001 as Application Serial No. 09/916,849  
and amended on \_\_\_\_\_ (if applicable).

\_\_\_\_\_ was filed as PCT international application No. \_\_\_\_\_,  
on \_\_\_\_\_ and was amended under PCT Article 19  
on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledged the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

NUMBER	COUNTRY	DAY/MONTH/YEAR/FILED	PRIORITY CLAIMED	
			YES	NO

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NUMBER	FILING DATE	STATUS

PCT Applications designating the United States:

PCT APPLICATION NUMBER	U.S.S.N.	STATUS

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national filing date of this application.

Provisional Application(s):

APPLICATION NUMBER	FILING DATE	STATUS
60/220,967	July 26, 2000	abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name of first inventor	David Botstein
Inventor's Signature	
Residence	2539 Somerset, Belmont, CA 94002-2925
Citizenship	US
Post Office Address	Same
Full name of second inventor	Patrick O. Brown
Inventor's Signature	
Residence	76 Peter Coutts Circle, Stanford, CA 94305
Citizenship	US
Post Office Address	Same
Full name of third inventor	Charles M. Perou
Inventor's Signature	<i>Charles M. Perou</i>
Residence	103 Oak Spring Court, Carrboro, NC 27510
Citizenship	U.S.A.
Post Office Address	Same
Full name of fourth inventor	Brian Ring
Inventor's Signature	
Residence	
Citizenship	
Post Office Address	Same

Full name of fifth inventor	Douglas Ross
Inventor's Signature	
Residence	41A Carl Street, San Francisco, CA 94117
Citizenship	US
Post Office Address	Same
Full name of sixth inventor	Rob Seitz
Inventor's Signature	
Residence	
Citizenship	
Post Office Address	Same
Full name of seventh inventor	Matt van de Rijn
Inventor's Signature	
Residence	
Citizenship	
Post Office Address	Same

3353880\_1.DOC





09916849 .062102

**DECLARATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**BASAL MARKERS IN BREAST CANCER AND RELATED REAGENTS AND METHODS OF USE THEREOF**

the specification of which (I authorize Choate, Hall & Stewart to check one of the following three choices, and fill in the blanks, if applicable):

\_\_\_\_\_ is attached hereto

X was filed on July 26, 2001 as Application Serial No. 09/916,849  
and amended on \_\_\_\_\_ (if applicable).

\_\_\_\_\_ was filed as PCT international application No. \_\_\_\_\_,  
on \_\_\_\_\_ and was amended under PCT Article 19  
on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledged the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:  
Prior Foreign Application(s):

NUMBER	COUNTRY	DAY/MONTH/YEAR/FILED	PRIORITY CLAIMED	
			YES	NO

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NUMBER	FILING DATE	STATUS

PCT Applications designating the United States:

PCT APPLICATION NUMBER	U.S.S.N.	STATUS

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national filing date of this application.

Provisional Application(s):

APPLICATION NUMBER	FILING DATE	STATUS
60/220,967	July 26, 2000	abandoned

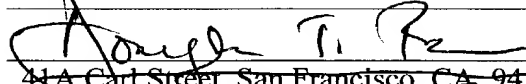
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name of first inventor	David Botstein
Inventor's Signature	
Residence	2539 Somerset, Belmont, CA 94002-2925
Citizenship	US
Post Office Address	Same
Full name of second inventor	Patrick O. Brown
Inventor's Signature	
Residence	76 Peter Coutts Circle, Stanford, CA 94305
Citizenship	US
Post Office Address	Same
Full name of third inventor	Charles M. Perou
Inventor's Signature	
Residence	103 Oak Spring Court, Carrboro, NC 27510
Citizenship	
Post Office Address	Same
Full name of fourth inventor	Brian Ring
Inventor's Signature	<i>Brian Ring</i>
Residence	126 Flying Cloud Isle Foster City CA 94404
Citizenship	USA
Post Office Address	Same

Full name of fifth inventor

Douglas Ross

Inventor's Signature



Residence

41A Carl Street, San Francisco, CA 94117

Citizenship

US

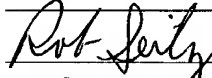
Post Office Address

Same

Full name of sixth inventor

Rob Seitz

Inventor's Signature



Residence

2838 Willowick Trail, Hampton Cove AL 35763

Citizenship

US

Post Office Address

Same

Full name of seventh inventor

Matt van de Rijn

Inventor's Signature

Residence

Citizenship

Post Office Address

Same

3353880\_1.DOC



09916849 . 0621.02

## DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### **BASAL MARKERS IN BREAST CANCER AND RELATED REAGENTS AND METHODS OF USE THEREOF**

the specification of which (I authorize Choate, Hall & Stewart to check one of the following three choices, and fill in the blanks, if applicable):

\_\_\_\_\_ is attached hereto

X was filed on July 26, 2001 as Application Serial No. 09/916,849  
and amended on \_\_\_\_\_ (if applicable).

\_\_\_\_\_ was filed as PCT international application No. \_\_\_\_\_,  
on \_\_\_\_\_ and was amended under PCT Article 19  
on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledged the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

NUMBER	COUNTRY	DAY/MONTH/YEAR/FILED	PRIORITY CLAIMED	
			YES	NO

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NUMBER	FILING DATE	STATUS

PCT Applications designating the United States:

PCT APPLICATION NUMBER	U.S.S.N.	STATUS

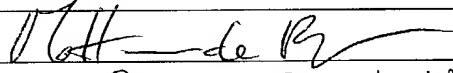
I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national filing date of this application.

Provisional Application(s):

APPLICATION NUMBER	FILING DATE	STATUS
60/220,967	July 26, 2000	abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name of first inventor	David Botstein
Inventor's Signature	
Residence	2539 Somerset, Belmont, CA 94002-2925
Citizenship	US
Post Office Address	Same
Full name of second inventor	Patrick O. Brown
Inventor's Signature	
Residence	76 Peter Coutts Circle, Stanford, CA 94305
Citizenship	US
Post Office Address	Same
Full name of third inventor	Charles M. Perou
Inventor's Signature	
Residence	103 Oak Spring Court, Carrboro, NC 27510
Citizenship	
Post Office Address	Same
Full name of fourth inventor	Brian Ring
Inventor's Signature	
Residence	
Citizenship	
Post Office Address	Same

Full name of fifth inventor	Douglas Ross
Inventor's Signature	
Residence	41A Carl Street, San Francisco, CA 94117
Citizenship	US
Post Office Address	Same
Full name of sixth inventor	Rob Seitz
Inventor's Signature	
Residence	
Citizenship	
Post Office Address	Same
Full name of seventh inventor	Jan Matthijs van de Rijn
Inventor's Signature	
Residence	141 Rodney Green Rd La Honda CA 94020
Citizenship	The Netherlands
Post Office Address	Same

3353880\_1 DOC





09916849 .062102

ATTORNEY DOCKET NUMBER: 2002850-0024 (S01-503)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Botstein *et al.*  
Serial No.: 09/916,849  
Filing Date: July 26, 2001  
Title: BASAL MARKERS IN BREAST CANCER AND RELATED REAGENTS AND METHODS OF USE THEREOF

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

Sir:

**WRITTEN ASSERTION OF SMALL ENTITY STATUS**  
**UNDER 37 CFR §1.27(a)(2)**  
**SMALL BUSINESS CONCERN**

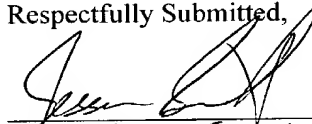
The undersigned hereby asserts entitlement to small entity status as a small business concern under 37 CFR §1.27(a)(2) on behalf of Applied Genomics, Inc.

This assertion is made on the ground that Applied Genomics, Inc. is a concern

- (a) whose number of employees, including affiliates, does not exceed 500 persons; and
- (b) that *has not* assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the above-referenced patent application to any party who does not qualify for small entity status either as a person, a small business concern, or a nonprofit organization under 37 CFR §1.27,

as set forth in 37 CFR §1.27.

Respectfully Submitted,

  
Name: JESSICA SMITH  
Title: VP, BUSINESS DEV  
Date: 2/12/02

CHOATE, HALL & STEWART  
53 State Street  
Exchange Place  
Boston, MA 02109  
Phone: (617) 248-5000  
Fax: (617) 248-4000



09916849 .062102

ATTORNEY DOCKET NUMBER: 2002850-0024 (S01-503)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Botstein *et al.*  
Serial No.: 09/916,849  
Filing Date: July 26, 2001  
Title: BASAL MARKERS IN BREAST CANCER AND RELATED REAGENTS AND METHODS OF USE THEREOF

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

Sir:

**WRITTEN ASSERTION OF SMALL ENTITY STATUS**  
**UNDER 37 CFR §1.27(a)(3)**  
**NON-PROFIT ORGANIZATION**

The undersigned hereby asserts entitlement to small entity status as a non-profit organization under 37 CFR §1.27(a)(3) on behalf of the Board of Trustees of Leland Stanford Junior University.

This assertion is made on the ground that the Board of Trustees of Leland Stanford Junior University is either:

(X) a university or other institution of higher education located in any country;


( ) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 USC §501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 USC §501(a));

( ) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 USC §201(i)); or

( ) any nonprofit organization, located in a foreign country, that would qualify as a nonprofit organization under paragraphs (b) or (c) above if it were located in this country,

and *has not* assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the above-referenced patent application to any party who does not qualify for small entity status either as a person, a small business concern, or a nonprofit organization under 37 CFR §1.27.

Respectfully Submitted,

  
Name: KATHARINE KU  
Title: DIRECTOR  
Date: January 17, 2002  
TECHNOLOGY LICENSING